

January 11, 2006

Subject:

Amendment # 5 to Solicitation No. RFP 306-06-005 APSO

Afghanistan Infrastructure and Rehabilitation Program

Dear Offerors:

The purpose of this amendment is to: (1) revise Section C, paragraphs C.5 and C.7.5; (2) revise Section F.6 by renaming paragraph "Proposal Preparation and Negotiation" as Step 4; (3) revise Section H.16 on the base amount for small business subcontracting; (4) revise Section I to include additional clauses applicable to the solicitation; (5) revise Attachment J-7 Past Performance Reference – Short Form; (6) revise the last paragraph of Section L.10; (7) provide responses to questions/comments; and, (8) revise Section J by updating Attachment J-12, the Interested Vendor Information and, including a copy of USAID Framework Bilateral Agreement with Afghanistan as Attachment J-15.

A subsequent amendment will be issued shortly to provide more responses addressing the remaining issues on the solicitation.

Revisions and changes to the solicitation are specified in the attached amendment. Please note that the additional interested vendor list and a copy of USAID Framework Bilateral Agreement with Afghanistan are included in separate attachments.

Sincerely,

Andrew Holland

Supervisory Contracting Officer

USAID/Afghanistan

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(Signature of person authorized to sign)

(Signature of Contracting Officer)

I. AMENDMENT

SECTION C – DESCRIPTIONS/SPECIFICATIONS/STATEMENT OF WORK

1. Section C.5 REHABILITATION and INFRASTRUCTURE PROJECT IMPLEMENTATION

The following Paragraph is added to precede list:

"As part of the overall effort, and based on implementation plans for REHABILITATION and INFRASTRUCTURE PROJECT IMPLEMENTATION, the contractor will be issued task orders with the following type and general characteristics:"

2. Section C.7.5 is deleted in it entirety and replaced with the following in lieu thereof:

"C.7.5 Contract Management/Administration

The contractor shall designate a Home Office based team of professionals that will be providing the technical, administrative and financial control of the project throughout this basic IQC implementation period. This team will be responsible for the overall management of the IQC, and will serve as point of contact with USAID for all matters related to the basic IQC.

In addition to the above, the contractor shall also provide for the in-country based team of key/essential professionals for all four sectors of technical assistance covered by this IQC, who will be managing and administering the contract, advise and support USAID in the development and implementation of the contract and sector activities."

SECTION F - DELIVERIES OR PERFFORMANCE

Section F.6 Outline of the task order process for infrastructure services The fifth paragraph on page F.5, is revised as follows:

"Step 4. Proposal Preparation and Negotiation"

SECTION H - SPECIAL CONTRACT REQUIREMENTS

Section H.16 is deleted and replaced in its entirety with the following:

"In performance of this Contract, the Contractor shall set-aside 10% or more of the overall value of total planned subcontracting dollars for U.S. small business concerns, small disadvantaged (includes 8a), small women-owned, small veteran-owned, and small service disabled veteran-owned business concerns."

SECTION I – CONTRACT CLAUSES

In Section I.1 Notice Listing Contract Clauses Incorporated by Reference, the following clauses are added:

"52.215-16	Facilities Capital Cost of Money (June 2003)
52.228-3	Workers' Compensation Insurance (Defense Base Act) (Apr 1984)
52.228-4	Workers' Compensation and War-Hazard Insurance Overseas (Apr 1984)
52.229-6	Taxes—Foreign Fixed-Price Contracts. (June 2003)
52.229-8	Taxes—Foreign Cost-Reimbursement Contracts. (March 1990)
52.233-1	Disputes (July 2002)
52.245-2	Government Property (Fixed Price Contracts) (May 2004)

52.245-5	Government Property (Cost Reimbursement, Time and Material, and Labor Hour Contracts)
	(May 2004)
52.249-2	Termination for Convenience (Fixed Price) (May 24)
52.249-8	Default (Fixed Price Supply and Services) (Apr 1984)
52.249-10	Default (Fixed Price Construction) (Apr 1984)"

SECTION J - LIST OF ATTACHMENTS

Attachment J-7 Contractor Performance Report – Short-Form, is replaced in its entirety with the following:

"ATTACHMENT J-7 CONTRACTOR PERFORMANCE REPORT - SHORT FORM

CONTRACTOR PERFORMANCE REPORT - SHORT FORM

Past performance information shall be included for both the Prime and Key Subcontractors.

CONTRACTOR PERFORMANCE REPORT - SHORT FORM PART I: Contractor Information (to be completed by Prime) 1. Name of Contracting Entity: 2. Contract Number: New form adds Contract Title/Description as number two. 3. Contract Type: Period of Performance: 4. Contract Value (TEC): (if subcontract, subcontract value) 5. Problems: (if problems encountered on this contract, explain corrective action taken) Contacts: (Name, Telephone Number and E-mail address) 6. 6a. Contracting Officer: 6b. Technical Officer (CTO): 6c. Other: Contractor: 8. Description of Work/services: Information Provided in Response to RFP No.: PART II: Performance Assessment (to be completed by Agency) Quality of product or service, including consistency in meeting goals and targets, and cooperation and effectiveness of the Prime in fixing problems. Comment: 2. Cost control, including forecasting costs as well as accuracy in financial reporting. Comment: 3. Timeliness of performance, including adherence to contract schedules and other time-sensitive project conditions, and effectiveness of home and field office management to make prompt decisions and ensure efficient operation of tasks. Comment: 4. Customer satisfaction, including satisfactory business relationship to clients, initiation and management of several

complex activities simultaneously, coordination among subcontractors and developing country partners, prompt and satisfactory correction of problems, and cooperative attitude in fixing problems. Comment:

5. Effectiveness of key personnel including: effectiveness and appropriateness of personnel for the job; and prompt and satisfactory changes in personnel when problems with clients where identified. Comment:

[Note: The actual dollar amount of subcontracts, if any, (awarded to the Prime) must be listed in Block 4 instead of the Total Estimated Cost (TEC) of the overall contract. In addition, a Prime may submit attachments to this past performance table if the spaces provided are inadequate; the evaluation factor(s) must be listed on any attachments."

ATTACHMENT J-12 - Interested Vendor Information

Attachment J-12 is revised to provide updated Interested Vendor Information and is provided as a separate attachment to this amendment.

The following attachment is added after the last line:

"ATTACHMENT J-15 USAID Framework Bilateral Agreement with Afghanistan"

SECTION L – INSTRUCTIONS, CONDITIONS AND NOTICES TO OFFERORS

Section L.10 Instruction for the preparation of the technical proposals

The last paragraph is deleted in its entirety and replaced with the following:

"Please note that the staffing requirement for Task Order #1 is designed to cover the staffing for all four sectors during all five years of the project. Accordingly, unless some other task orders (such as illustrative Task Orders #2 and #3) require very specific technical specialists that were not included under the Task Order #1, there shall be no need for additional staffing position. As part of the submission for this RFP, Offerors should propose any additional people they believe are needed for sample Task Orders #2 and #3. See Attachment J-13 for a full list of all the possible/illustrative functional labor categories."

II. USAID RESPONSES TO QUESTIONS

- 1. The solicitation states that.. "The small business subcontracting plan shall provide a *minimum* goal of at least 10 percent (%) of the overall value of the *total planned subcontracting* dollars under the contract."
 - 1. Does this mean that if a contractor does not subcontract, but performs all work, they do not have to meet the so called goal?
 - 2. Why is there not a small business goal on the total amount of the contract award?
 - 3. What is the USAID target goal for subcontracting to small businesses for contract awards?

Response:

- 1. Given the size and technical diversity of this program, It is very unlikely that firms can bid without subcontracting some tasks or areas of performance. Pursuant to Part 19 of the Federal Acquisition Regulation (FAR), USAID encourages the participation to the maximum extent possible of small business concerns, small disadvantaged business concerns, service-disabled veteran owned small business and women-owned small business concerns in this activity as the prime contractor or as subcontractors.
- 2. It is up to the offeror to propose the total amount planned for small business based on its proposed plans (technical, management and approach plans) to complete the work.
- 3. As stated in the solicitation the target goal is at least 10 percent of the proposed total planned subcontracting dollars under the contract.
- 2. I am the only licensed Afghan and American attorney practicing in Afghanistan. I have Afghan organizations who are very interested in being involved in this bid. What exactly should I advise them to do? I believe Afghans firms have been encouraged to participate, but how? Please kindly share your valuable thoughts and suggestions as many of us are new to this process. Thank you.

Response:

Thank you for writing. If the firms are interested in participating in the procurement, they can fill out and submit an Interested Vendor Form. The information will be added to the Interested Vendor List. By placing themselves on the list, they will make their presence known to other potential bidders. All the information regarding applying for the solicitation can be found on the following website: http://www.fbo.gov/spg/AID/OM/AFG/306%2D06%2D005APSO/Attachments.html

You may also encourage the interested firms to register online and use the Interested Vendor List (IVL) menu on the FedbizOpps page, so that firms can contact one another for consideration of teaming arrangements and/or small business subcontracting opportunities in response to this solicitation.

3. Can an American owned company subcontract to a foreign own company to do the work in Afghan?

Response:

Yes, an American owned company can subcontract to a foreign owned company to perform work in Afghanistan. However, the foreign company must comply with the Source Origin Nationality code for the procurement. In the case of the Infrastructure RFP, the code is 935 or any area or country including the cooperating country, but excluding the foreign policy restricted countries, ie Cuba, Iran, Libya, North Korea and Sudan. For more information on Source Origin Nationality, you can look at the following website:

http://www.access.gpo.gov/nara/cfr/waisidx 01/22cfr228 01.html

4. The RFP states that the closing date and time, as well as other aspects of the RFP, may be amended. Given that Amendment #1 has significantly changed the emphasis of the RFP from technical assistance to Design-Build, and includes two additional Sample Tasks, we request that the closing date for the solicitation be extended by 60 days.

Response:

Amendment No. 3 to the solicitation was issued to extend the closing date and time for receiving proposals to "February 14, 2006 at 09:00 A.M. Bangkok Time."

5. Given the size and technical diversity of this program, we feel that USAID's intent to award one contract would restrict competition to a very few select firms. We request that USAID make a commitment to multiple awards, and/or to single awards for each sector.

Response:

We appreciate your request. As stated in the cover letter of Amendment No. 1, although the initial cover letter and the pre-solicitation notice states that USAID plans to award one Indefinite Quantity (IQC) Cost Plus Fixed Fee (CPFF) type contract, USAID reserves the right to award more or none than the anticipated number, as stated in Section L.6(a) of the subject RFP.

6. What is the bond requirement for the task orders? Section I, page 8 states that the amount of bond required is 100% of contract price awarded. As contract price increases, bond would increase on same ratio.

Response:

The bond requirement for each task order will be determined based on the amount of construction work at the time of the task order award.

7. What is the contract fee range? What fee value is considered reasonable for this contract?

Response:

It is up to offerors to propose fee. See FAR subpart 15.404-4 on Profit, specifically paragraph 15.404-4(c)(4)(i), the statutory limitations on fee.

8. On past performance factor, is there a time limit for project conclusion? (i.e.: Projects completed on the last five years?)

Response:

It is expected that you include the most recent or over the last three years and relevant contracts for efforts similar to this requirement. You may include project completion over the last five years.

9. Parent company experience can be listed as own experience?

Response:

You may include parent company's experience for information but the information should be relevant to the requirements.

10. Is there a war risk clause involved that would protect subcontractors? Is DBA insurance required to local workers / subcontractors?

Response:

FAR 52.228-4 Worker's Compensation and War-Hazard insurance overseas (Apr 1984) clause does apply to this contract and it will be incorporated. The Defense Base Act (DBA) insurance coverage is required for US employees only either employed by prime or subcontractors under the contract,

unless a waiver has been obtained from the U.S. Department of Labor (See FAR 28.305). Blanket Waivers from Defense Base Act insurance requirements have been issued by the Department of Labor for foreign nationals in over 100 countries in which USAID has or had programs. Foreign national employees or local workers covered by this waiver are exempt from this requirement to secure Defense Base Act Insurance but must be provided worker's compensation benefits as prescribed in applicable foreign laws. However, the waivers do not apply to any employee who is: 1) a citizen of the United States; 2. A resident of the United States; or, Hired in the United States.

11. Requirements in 22CFR part – 228 please provide the whole detail of CFR.

Response:

Here is a link for 22 CFR part - 228:

http://www.access.gpo.gov/nara/cfr/waisidx 01/22cfr228_01.html

12. RFP section I.12 52.228-16 PERFORMANCE AND PAYMENT BONDS – OTHER THAN CONSTRUCTION (JULY 2000) ALTERNATE I (JULY 2000), subparagraph (b) on page I-9. The FAR clause has a blank before the word percent in order for a percentage to actually be inserted. What percentage, if any, will be used for other than construction work on this contract?

Response:

The percentage will be determined upon contract award.

13. RFP section L. 11, INSTRUCTIONS FOR THE PREPARATION OF THE COST/BUSINESS PROPOSAL. For the purposes of pricing Task Order #1, what bonding requirements should be expected?

Response:

Bonding is required for construction work only. Task Order#1 will cover general management and administration work only.

14. RFP Section C.5 REHABILITATION and INFRASTRUCTURE PROJECT IMPLEMENTATION. This description seems abrupt. Is an introductory paragraph missing?

Response:

This is revised per this amendment #5.

15. RFP section L. 11 (b) Part 2- Proposed costs/Prices, subparagraph iv. Project Director Cost. 5A. Is this reference to the key personnel listed in L. 9 (c) (2) (ii) and section F.4 A, i.e. IQC Project Manager/Coordinator, Finance/Procurement/Administrative Coordinator, and Human Resources Coordinator?

Response.

Yes, however, section L. 11 (b) Part 2- Proposed costs/Prices, subparagraph iv. Project Director Cost has been deleted in its entirety by Amendment #1.

<u>5B</u>. Is it correct to assume that pricing for project director costs, as stated in paragraph L. 11 (b), means all direct program overhead functions above those in the individual task orders?

Response:

Section L.11(b) subparagraph iv has been deleted. Offerors cost proposal shall specify how project direct costs will be charged.

<u>5C.</u> Does USAID anticipate issuing a general management and administrative support task order for the Urban Development/ Water & Sanitation Sector and the Public Buildings Sector?

Response:

Task Order #1 is designed to cover the staffing for all 4 sectors during all 5 years of project. Please refer to the last paragraph of Section L.10.

16. RFP section L.7(b). What is the suspense for questions on Amendment 1?

Response:

The deadline for questions and/or comments on the solicitation was December 6, 2005. Offerors may send questions/comments at any time. However, in order to release information through amendment(s) as soon as practicable before the closing date and time for proposals submission, responses may not be provided for comments/questions received after December 6, 2005.

17. Section L, Para. L.9(c)(2)(ii): Please clarify the key personnel terminology utilized in the solicitation. For example:

This paragraph refers to the proposed Program Manager. Is this person the IQC Project Manager/Coordinator, the Chief of Party, or an entirely different position?

Response:

The Program Manager is the same with IQC Project Manager/Coordinator. The Chief of Party is a different position.

18. Section L, Para. L.9(c)(5)(2): Please confirm that the SF294s requested in the solicitation do not count against the page count allocated to this volume.

Response:

Correct, it is not counted.

19. Attachment J-7 states: "Provide a total of ten (10) contracts/subcontracts for review from the list provided in Attachment J.6.a." This requirement appears to conflict with Paragraph L.9(c)(4)(i), which asks the Offerors to submit 5-6 contracts for the Offeror and each major subcontractor. Please clarify which applies. Also, please clarify the reference to Attachment J.6.a.

Response:

The offerors are to submit 5 – 6 contracts for the Offeror and each major subcontractor. Attachment J-7 Contractor Performance Report – short form, is revised accordingly.

- 20. Section L, Para. L.9(c)(2)(i), L.10(c)(2), and L.11(b)(i): Please confirm the biographical data submittal requirements in the solicitation. Is the following interpretation correct?
 - a. AID Form 1420-17 Biographical Data sheets, complete with salary information, are to be provided in the Cost/Business Proposal for all proposed key personnel candidates responsible for managing/ administering Task Order #1, including IQC key personnel (if in accordance with our disclosure statement). Biographical Data sheets are not required for non-key personnel (e.g., administrative assistants) supporting Task Order #1.

Response:

Biographical Data Sheets are requested for all personnel. Please refer to Amendment#1

b. Personnel resumes are to be provided for the IQC Project Manager/ Coordinator and key home office staff in the Technical Proposal for the Basic IQC.

Response:

Yes, the interpretation is correct.

c. Personnel resumes are to be provided for the all key personnel identified in the Technical Proposal for Task Order #1.

Response:

Yes, the interpretation is correct.

- 21. Section L, Para. L.9(c)(2)(i) asks the Offerors to clearly describe the professional qualifications of proposed personnel, including "intermittent professionals." Could you please clarify the requirements associated with these personnel? For example:
 - a. Is this request limited to the professionals selected to perform the Needs Assessment as part of TO#1, or does this category encompass all of the professionals that may support the program over the 5-year term?

Response:

This section refers to the basic IQC personnel that may support the program over the 5-year term

b. We are assuming that if these professionals are not key personnel, complete and current resumes are not required to be submitted in the proposal. Is this the correct assumption?

Response:

Yes, however, if they are filling the role of key personnel at any time, then complete resumes are requested to be submitted.

c. Are USAID Form 1420-17 Biographical Data forms required for these personnel?

Response:

Yes.

22. Amendment #1, page 11, paragraph (b)(i) states that Contractor Employee Biographical Data Sheets are required for all proposed candidates for Task Order #1 and illustrative Task Orders #2 and #3. We are assuming that this requirement pertains only to all key personnel candidates. Is this assumption correct?

Response:

No. It is required for all proposed candidates.

23. Amendment #1, page 10, Paragraph L.10(c)(2) states "Offerors shall submit a complete and current resume for the proposed candidate for each position." We are assuming that this requirement pertains only to all key personnel candidates. Is this assumption correct?

Response:

Yes.

24. Paragraph H.16 states that the Contractor shall set-aside 10% or more of the total contract amount for U.S. small business concerns, while Paragraph L.11(e) states the minimum goal is at least 10 percent

(%) of the overall value of the total planned subcontracting dollars under the contract. Which is correct?

Response:

The correct one is paragraph L.11(e). Section H.16 is revised accordingly.

25. Paragraph F.4A states: "The level of effort for these key positions shall be directly charged to individual Task Order." Please confirm if this requirement means individual task orders, Task Order #1, or both.

Response:

The level of effort for the key positions shall be directly charged to individual task orders including task order #1, as appropriate.

26. Paragraph C.7.5 states that the offerors are also requested to provide in their proposal the names and qualifications for the in-country based team of key/essential professionals for all four sectors of technical assistance covered by this IQC. Please confirm if this requirement supercedes the requirement outlined in Sections L/M and Task Order #1 to only provide the names and qualifications of personnel supporting the AENRP and ATSP sectors, and confirm where this information should be provided in our proposals.

Response.

Section C.7.5 and Section L.10 are revised by this amendment. As stated in Amendment #1, offerors should provide the names and qualifications of personnel supporting all four sectors for all five years of the contract.

27. Paragraph C.11, Section IIIB (Subtask 1B) defines overall management and administration of the contract including "front office" participation. Is this reference the same as "home office" participation in Subtask 1A, Section IIIB?

Response:

The front office means USAID Mission Director's office.

28. Paragraph C.11.2 refers to "Team Leaders and Deputy Leaders" for each task. Are these the same key personnel referred to as Senior Sector Managers and Deputy Sector Managers in Attachment J-3? If not, should Team Leaders and Deputy Leaders be added to Attachment J-3?

Response

Yes they are the same personnel however, Team Leaders and Deputy Team Leaders could conceivably cross over from any functional labor category included in Attachment J-3 depending on their experience and expertise.

29. Could you please confirm that the language (i.e., project direct) in the last sentence in Paragraph L.11(b) iv is correct? Or should it say "project director" costs to match the content in the rest of the paragraph?

<u>Response:</u>

Yes, it is a typo, however this paragraph has been deleted by Amendment #1.

30. Section C-8 specifies a requirement for additional "All Risk" insurance. Please clarify the dollar threshold and type of coverage required. Also, please confirm if the insurance is required on a Task Order by Task Order basis.

The issue will be considered by the Contracting Officer during negotiations.

31. Section E-1 incorporates FAR 52.236-1, Performance of the Work by Contractor, into the contract. Please clarify the percentage of participation required on the contract.

Response:

The percentage will be determined at the time of award for each fixed price construction task order.

32. Sections F.5, F.6 and F.7 refer to a Step 4 in Section F. Note that Step 4 is not included in the solicitation.

Response:

Proposal Preparation and Negotiation should have been titled as Step 4, Section F.6. It is revised by this amendment accordingly.

33. Please clarify the responsibility for de-mining. Page C-1 states the Contractor must include development and implementation of security and de-mining plans, while page C-14 states that UNMACA will do the de-mining assessments and conduct the de-mining.

Response:

De-mining will be the responsibility of the Contractor. See amendment #2 which revised such.

34. Please clarify the contractual implications of Attachment J-3. For example, if USAID identifies a task order in Year 3 of the contract, and the expert(s) required to perform the work is not specifically identified on the Attachment J-3 submitted with our proposal, will the contractor be reimbursed for the services provided by the expert(s)?

Response:

Yes, if and when such services are needed and approved by the Contracting Officer under awarded task order. The functional labor categories included in Attachment J-3 are illustrative only.

35. Please clarify the cost back-up submittal requirements necessary to achieve cost realism in the Task Order #2 and #3 proposals. Page 8 of Amendment #1 states that USAID is not expecting full design and/or detailed cost estimates for these two tasks. However, the Proposed Budgets identified on Page 12 require the Offerors to provide specific line item budgets for several cost elements. What cost back-up requirements meet the intent of the request for "an explanation/rationale for the basis of the budget line item amounts"? For example, does USAID require multiple subcontractor quotes for a SOW item that will be subcontracted out? Should the cost back-up data be provided in the Cost/Business Proposal along with the cost back-up data provided for TO#1, or should the Offerors follow the Task Order proposal format identified on page F-5 and include the Cost Estimate in Section VI of our response?

Response:

Offerors should submit proposals in accordance with the solicitation.

36. Paragraph H-4 identifies the authorized source for procurement as Geographic Code 000, while Paragraph H-9 identifies the code as 935. Please clarify

Response:

The authorized geographic code is "935."

37. Would you please provide Offerors with a copy of the USAID Framework Bilateral Agreement with Afghanistan.

Yes. A copy is provided as an attachment to Amendment #5.

- 38. The contract clauses in the solicitation do not address tax-related issues in Afghanistan. Could you please clarify the following?
 - a. Do the following tax exemptions apply to this contract?
 - i. Corporate income taxes, withholding taxes in lieu of income taxes

Response:

To the extent the Contractor is Afghan, no exemptions apply; to the extent the Contractor is Non-Afghan, USAID-Source Income under the contract will benefit from an exemption.

ii.Individual income taxes, social contribution taxes, payroll withholding taxes

Response:

Same as for Corporate income tax question above, if a Non-Afghan Contractor has Afghan employees, the Contractor will need to withhold taxes, etc., in accordance with Afghan Law.

iii.Sales taxes, gross receipt taxes, VAT

Response:

It is our understanding that there is no sales tax or VAT in Afghanistan. There is a business receipts tax for which the same analysis as for the corporate income tax applies, i.e. an exemption would apply to the USAID-source income/business receipts of the contractor. To the extent a vendor selling an item to the contractor indicates a business receipts tax when the contractor purchases an item in Afghanistan, no exemption applies since the tax is not on the consumer, the tax is on the vendor's gross receipts, whether or not the vendor decides to pass the tax along to the consumer.

iv. Customs duties, tariffs, excise taxes, levies

Response:

Exemption applies for items needed for the work (items that are allowable under the contract).

v.Requirement to withhold taxes on payments to subcontractors

Response:

Contractor would need to comply with any withholding requirements under Afghan law.

- b. Will tax exemptions apply to:
 - i. USAID's prime contractor

Response:

For Income tax, only if non-Afghan, and only for USAID-Source income

ii. Prime contractor personnel

Response:

For Income tax, only if non-Afghan, and only for USAID-Source income

iii. Non-Afghan subcontractors of the prime contractor

Same as for prime

iv. Personnel of Non-Afghan subcontractors

Response:

Same as for prime

39. What tax reports or other procedures, if any, must the prime contractor and their non-Afghan subcontractors comply with in order for the tax exemptions to apply?

Response.

Offeror should visit the Ministry of Finance Tax Department Tax Information Website below. Guide No. 7 is part of that website which includes the Tax Department's Guidance for how to apply for a tax exemption based on a Donor exemption, for a donor-funded project.

Guide # 07 – Applying for an exemption from taxation, using a Bilateral or Multilateral Agreement

http://www.mof.gov.af/tax/pdf/Guide7.pdf

40. After reviewing Section F, paragraph 2.4 (TO proposals), Section F.6, Step 2 (site visits), and Section F, Contractor Quality Control (payment for program), we have the following question. When costs benefit a single task order, and it is a contractor's disclosed cost accounting practice to directly charge the costs listed in the prior sentence to the benefiting task order, will such costs be payable under the benefiting task order?

Response:

Yes, this appears acceptable.

41. Section I, page I-12, paragraph (3) states: "A clause requiring each subcontractor tou" Could you please provide the Offerors with the missing text?

Response:

The last word "tou" should read "to—" as follows: "(3) Subcontractor clause flowdown. A clause requiring each subcontractor to— "

42. Amendment #1, page 8, 3rd paragraph under Section L.10 requires the Offerors to "submit proposed team compositions including technical staff and subcontractors for Sample Task Orders #2 and #3 (i.e. staff are not covered under Task Order #1)." Should the language in the parentheses say "staff not covered under Task Order #1"?

<u>Response</u>:

Yes, the parentheses should read: "staff not covered under Task Order#1."

43. Amendment #1, page 9, Section L.10 (c)(2), Staffing, states that the "Offeror shall minimize the use of expatriate staff by providing appropriate training programs for local staff to permit them to participate actively in the work and assume increasing levels of responsibility." Should the Offerors plan, staff, and perform training programs as part of Task Order #1, or will these training activities be funded under a subsequent task order?

No, the offeror should consider plans for training and integration of Afghan nationals on its staff with respect to scoring on evaluation criteria found in Section M, Paragraph 2. as revised and found in Amendment #1 of the solicitation. However, there may be task orders for training and capacity building in the future depending on future mission requirements.

44. Please clarify the instructions for filling out Attachment J-10, specifically the difference between Line Item 14, Employment History, and Line Item 15, Specific Consultant Services. Are both sections required to be filled out for an individual filling a non-consultant position?

Response:

Yes they are to be filled out: line 14 is for long-term employment history while line item 15 is for specific consultant services (if any).

45. Please clarify Amendment #1, Section L.10 regarding the Technical Proposal submittal requirements for Task Orders #2 and #3. The third paragraph in this section states that the Offerors should submit their proposed technical and management approaches for implementation, mobilization/ implementation schedule, and proposed team compositions (20 page proposal). Subparagraph (a) states that the Technical Proposals for Task Orders #2 and #3 must be organized to follow the technical evaluation criteria listed in Section M, which includes additional items such as constraints to operating in Afghanistan, critical program objectives, approach to selecting and managing subcontractors, etc. These additional items, which are already included in Task Order #1, fit well within the 50-page limitation assigned to TO#1. Would you please clarify which set of instructions apply to Task Orders #2 and #3?

Response:

Please follow section L.10. The page numbers are limitations

46. Section L.7 (a)(2) allows the submittal of proposals electronically. If we elect to submit our proposal in this manner (in accordance with the submittal date and time requirements), is it permissible to send a follow-up package of hard copies that arrives after the due date?

Response:

Yes, however, only as a follow up since FAR 52.215-1 applies. See Section L.3.

47. Will incorporation of the Global Development Alliance be included in the evaluation? If so, how will it be scored?

Response:

Yes, if it is included in the submission and it will be considered and evaluated as part of the technical approach.

48. How will the cost proposal be evaluated in relation to the technical proposal?

Response.

See section M.4 of the solicitation, Amendment #1

49. Section L.9(c)(4)(i) states "list five to six (5-6) most recent and relevant contracts for efforts similar to this requirement" whereas Attachment J-7 states, "Provide a total of ten (10) contracts/subcontracts for review from the list provided in Attachment J.6.a."

Should 10 contracts be provided or 5-6?

Response:

The reference in Attachment J-7 is deleted and the Attachment J-7 is revised accordingly.

50. Attachment J-7 has no field for projects' start/end dates. Please confirm if (and where) these should be included. Also, please confirm that Box 2 of the J-7 form should contain a project title and brief description."

Response:

Attachment J-7 is revised by this amendment.

51. Do we need to include a completed DD254 in our proposal? If so, where should it be included?

Response:

No. A completed DD254 will only be required for a classified performance task orders. See section H.7.

52. Page C-23, last paragraph, the last two sentences state: "Although Afghan team leaders are preferred, all Team Leaders shall have senior Afghan Deputies with excellent English language speaking, writing and reading skills. At some point, the senior Afghans should become Team Leaders."

Amendment to the Solicitation 1, page 10, first paragraph, second sentence states: "Offerors shall plan to promote qualified Afghans to Deputy Team Leaders."

Are Deputy Team Leaders required to be Afghan CCNs?

Response:

Not necessarily in the outset of the program but the mission goal of capacity building is desirable and is included as an element in evaluation factors found in Section M, paragraph M.2.

- 53. Amendment to the solicitation 1, page 10, 4th paragraph states: "...the staffing requirement for Task Order #1 is designed to cover the staffing for all five years of the project. Accordingly, unless some other task orders (such as illustrative Task Orders #2 and #3) require very specific technical specialists that were not included under the Task Order #1, there shall be no need for any staffing position. As part of the submission for this RFP, Offerors should propose any additional people they believe are needed for sample Task Orders #2 and #3."
 - Was this statement written correctly and if "no", was the word "additional" omitted from "...there shall be no need for any staffing position."? Please clarify.

Response:

The sentence should read ".. there shall be no need for additional staffing position."

- Is the "project" the IQC, including all task orders, or is the project Task Order #1?

Response:

The project is for the IQC including all task orders.

54. Will USAID consider establishing a monetary threshold (e.g. \$250K) for consent in connection with "other subcontractors" as described in Section H.24?

Response:

Consent will be done in accordance with the FAR.

55. Section L.7 (1), DELIVERY INSTRUCTIONS, page L-7 states:

Proposals shall be submitted in two separate parts: (a) technical and (b) cost or business application. If sent by hand-carry or via courier, technical portions of applications should be submitted in an original and 5 (five) copies and cost portions of applications in an original and 2 (two) copies, along with a 3.5" diskette(s) or CD(s) containing one complete copy of the entire application compatible in a MS Windows environment to the issuing office.

Section L.7 DELIVERY INSTRUCTIONS, Amendment #1 to Solicitation, page 8 states: Technical and Cost/Business Proposals must be kept separate from each other one original and 5 copies for the basic QC, Task Order No.1, sample Task Order #2 and #3 respectively. Please clarify how many copies are required for the cost proposal.

Response:

One original and 5 copies of cost/business proposal for basic IQC, Task Order No.1, sample Task Order#2 and #3 respectively.

- 56. Section L.9(c)(2), STAFFING PLAN AND QUALIFICATIONS OF PROPOSED PERSONNEL [See Section M], page L-9 states:
 - (i) Personnel
 Offerors shall propose personnel and submit resumes for proposed Program Manager and
 Home Office Staff.

AID Form 1420-17 Biographical Data will be required with cost proposals; do not include salary information in the technical proposal. Offerors shall clearly describe the professional qualifications of proposed personnel, including the IQC Project Manager and intermittent professionals. Qualifications for personnel shall include relevant formal training and professional experience, relevant field experience, project management, and any other experience relevant to the SOW. Offerors shall submit signed statements of availability from each individual for whom a resume is submitted.

Section L.11, INSTRUCTIONS FOR THE PREPARATION OF THE COST/BUSINESS PROPOSAL, which is the cost proposal for Task Order #1, (b) Part 2 – Proposed Costs/Prices, page L-13 states:

AID Form 1420-17 - Contractor Employee Biographical Data Sheets (Attachment J-2) for all proposed candidates for Task Order No.1, supporting the proposed unburdened daily rate for each proposed candidate. This information will be considered as part of the Government's cost realism analysis.

Section L.9 is for the Basic IQC while Section L.11 is for the cost proposal for Task Order #1. Since there is no cost proposal volume for Basic IQC, please clarify where the AID Form 1420-17 requested for the Basic IQC personnel with the salary information goes.

Response:

The completed AID Form 1420-17 should be included in the cost/business management proposals for Task Order #1, sample task orders #2 and #3.

57. There seems to be a discrepancy of the number of past performance contracts required in L.9(4) Past Performance Information, page L-10, and the number required in Attachment J-7.

Section L.9(4) states the following:

The Offeror must provide past performance references for itself and each major subcontractor... This past performance information must be submitted in accordance with the following:

(i) For the offeror and each major subcontractor list five to six (5-6) most recent and relevant contracts for efforts similar to this requirement. To ensure uniformity of information for conducting the reference checks, the offeror/subcontractor shall complete Part 1 (Blocks 1 through 9) of the Contractors Performance Report-Short Form for 5 - 6 contracts and/or subcontracts. The name and telephone number for all contacts are required. It is recommended that the offeror/subcontractor alert the contacts that their names have been submitted and that they are authorized to provide past performance information when requested. The list shall be attached as an annex to the technical proposal.

Attachment J-7 states:

Past performance information shall be included for both the Prime and Key Subcontractors. Provide a total of ten (10) contracts/subcontracts for review from the list provided in Attachment J.6.a.

Please confirm that Offerors shall provide 5-6 past performance references for itself and each major subcontractor.

Response:

Yes, offerors should provide 5-6 past performance references for itself and each major subcontractor. Attachment J-7 is revised by this amendment.

58. Section L.10, INSTRUCTIONS FOR THE PREPARATION OF THE TECHNICAL PROPOSALS FOR TASK ORDER #1, SAMPLE TASK ORDERS FOR ENERGY AND ROAD, page 9 of Amendment #1 to Solicitation, sub-section (b) third paragraph states:

Not included in this page limitation are the following:

- Cover pages;
- Table of Contents;
- Dividers;
- Appendix attachments which contain biographical information (i.e. resumes and other documentation provided by the Offeror) for proposed candidates;
- Past Performance Report Short-Forms (Attachment is in Section J)
- Charts, such as Management Structure Organizational Chart(s)
- (c) Technical Proposals for Task Orders #1, #2, and #3 shall include the information set forth below.
 - (1) TECHNICAL UNDERSTANDING AND MANAGEMENT APPROACH (See Section M]
 - (2) STAFFING PLAN & QUALIFICATION OF PROPOSED KEY PERSONNEL [See Section M]

The technical responses for Task Orders #1, #2, and #3 do not require Past Performance Report Short-Forms yet the breakdown of the sections not included in the page limitation references Past Performance Report Short-Forms. Please clarify.

Response:

The above list provides examples of information which are not counted in the page limitation. Information provided in the proposal for the basic IQC should not be repeated in the proposals for task orders.

59. Section L.11, INSTRUCTIONS FOR THE PREPARATION OF THE COST/BUSINESS PROPOSAL, page 10 of Amendment #1 to Solicitation, first paragraph states:

Offerors shall submit Cost Proposals for Task Order #1, Task Order #2, and Task Order #3, all of which will be analyzed as part of the overall evaluation as indicated in Section M.

Can the Cost Proposals for Task Orders #1, #2, and #3 be submitted as one volume?

Response.

Yes you may, but proposed cost and breakdown for each task order must be clearly identifiable.

60. Section L.11(e), Part 5 – Subcontracting Plan, bottom of page 13 of the Amendment #1 to Solicitation states:

The small business subcontracting plan shall provide a minimum goal of at least 10 percent (%) of the overall value of the total planned subcontracting dollars under the contract. Section H.16, USE OF THE U.S. SMALL BUSINESS, SMALL DISADVANTAGED (INCLUDES 8A), SMALL WOMEN-OWNED, SMALL VETERAN-OWNED, AND SMALL SERVICES DISABLED VETERAN-OWNED CONCERNS, page H-10 states, "...The Contractor shall set-aside 10% or more of the total contract amount for U.S. small business concerns..." Please clarify.

Response:

Section H.16 has been revised by this amendment.

Attachment J-6 (4), Sample Small Business Subcontracting Plan, page J-39 states "A description of the method used to develop the subcontracting goals in paragraph (d)(1) of this clause."

Paragraph (d)(1) does not exist. Please clarify.

Response:

It appears on the bottom of page J-37 and the top of page J-38.

Will the clauses at FAR 52.229-6, "Taxes -- Foreign Fixed Price Contracts," and FAR 52.229-8, "Taxes -- Foreign Cost-Reimbursement Contracts," be included in the contract?

Response:

Yes, they are included in this amendment.

63. Since we would normally include Facilities Capital Cost of Money in a proposal of this type, will USAID delete FAR 52.215-17 and incorporate FAR 52.215-16 into the RFP?

Response:

This has been included, however, inclusion of the appropriate clause will depend upon the successful offeror(s).

64. Special Provision H.8 makes reference to AIDAR 752.228-3, but neither that clause nor the clauses at FAR 52.228-3, "Workers' Compensation Insurance (Defense Base Act), and FAR 52.228-4, "Workers' Compensation and War Hazard Insurance Overseas," are included in Section I of the RFP. Will these clauses be included in the contract?

Response:

Yes, this was included in this amendment.

As the RFP is for design and construction services, would USAID consider deleting the clauses at FAR 52.236-22, "Design Within Funding Limitations," and FAR 52.244-4, "Subcontractors and outside associates and consultants (Architect-engineer services)," which are prescribed for A/E Services contracts only (and generally contemplate a design-bid-build contracting model)? As

regards the latter clause, it would be difficult to identify all potential subcontractors under a design/construction contract at the time of contract award.

Response:

No

66. Under Section C.8., paragraph 17, "Unit Acceptance, Project Turnover and Warranty Period," please confirm that the phrase "all turn over of completed projects to the proper authorities will be with the appropriate one-year warranty" is in reference to Firm Fixed Price Task Orders only.

Response:

This applies to both Firm Fixed Price and Cost Reimbursement task orders.

67. Will the contract include the clauses at FAR 52.245-2, "Government Property (Fixed Price Contract)" and FAR 52.245-5, "Government Property (Cost-Reimbursement, Time-and-Material, or Labor-Hour Contracts)"?

Response:

Yes, they are included in this amendment.

68. Will the contract include a "War Risks" clause under which the Government will assume the risk of loss or damage to completed or partially completed work performed under the contract, and/or material, equipment or installations used or acquired for use under the contract, to the extent such loss or damage is a result of hostile or warlike action?

Response:

Yes, FAR 52.228-4 is included in this amendment.

69. Are subcontractors allowed to transport goods through Iran?

Response: No.

70. REFERENCE: RFP, Section L-9, paragraph (5)(A)(2): States that "To supplement the narrative summary in [paragraph] (1), provide with your summary a copy of the most recent SF 294 "Subcontracting Report for Individual Contracts" for each contract against which you were required to report for the past three years.

Section L-9, paragraph (b), makes no mention of whether or not these SF 294 reports are <u>included</u> or <u>excluded</u> within the mandatory 40-page limit for the IQC portion of the proposal.

QUESTION: Since the offeror must "provide <u>a copy</u> for <u>each contract</u> which you were required to report for the past three years," there may be a large number of these SF 294 forms that must be submitted with the proposal in order to satisfy this RFP requirement. Given that condition, are the SF 294s <u>included or excluded</u> within the 40-page limitation?

RECOMMENDATION: We assume and recommend that the SF 294s are "not page counted" in the same manner as other USAID RFP attachments like the "short forms" and "biographical info/commitment/documentation" which is excluded from the page limitations. Otherwise, offerors may be submitting a vast quantity of SF 294 forms against all of their active contracts (within the last 3 years.) Hence, offerors would be faced with a limited/reduced number available pages to be responsive the RFP requirements.

<u>Response</u>:

The SF 294 forms are not counted in the page limitation. Thank you for the recommendation.

71. REFERENCE: Section L-9, paragraph (b), itemizes documents which are "not included in this [40] page limitation..."

DISCUSSION: The RFP makes no mention of authorized paper size (ie., 8.5 inch by 11 inches or normal foldout paper which is usually 11 inch by 17 inch.) Offorers may need to include foldout paper to illustrate other aspects of their technical or management approaches or flowcharts/processes that are in addition to the "excluded from page count —Charts, such as Management Structure Organizational Chart(s)".

The RFP is also silent on whether 'additional foldouts' would count as one (1) or two (2) pages when included within the page limited portions of the Technical Proposal:

- IQC-40 pages
- TO#1-50 pages
- TO#2-20 pages
- TO#3-20 pages.

QUESTION(S):

a. Will the Government please confirm that 11 inch by 17 inch foldout pages are indeed authorized to be used throughout all four areas of the Technical Proposal?

Response:

8.5 inch by 11 inches paper size is preferable, but the above is acceptable as appropriate.

b. Foldouts when used throughout the four portions of Technical Proposal will count as one (1) page within the page restricted portions for the IQC and each of the TOs 1, 2, and 3?

Response:

Yes, but refer to item a. above.

72. REFERENCE: Section B – Supplies or Services and Price/Costs

DISCUSSION: Section B appears to contain two fill-ins; one for indirect costs and the other for ceiling on Fixed Fee. The Ceiling on Fixed Fee is also required under Section L.11 (b) Part 2 ii and in subparagraph iv which states that, "...the Fixed Fee ceiling will be incorporated in Section B of the Basic IQC."

QUESTION: Does the offeror submit a completed Section B with its submission of the Cost Proposal? If so, where does it belong?

Response:

You may submit a completed Section B or you can state the proposed ceilings in your narrative budget included in the Cost/Business Management proposal for Task Order #1.

73. REFERENCE: Sections G.2 Cost/Business Management Proposal for Task Orders and Section L.11 (b) Part 2

DISCUSSION: Section L.11 (b) Part 2 states that the Cost/Business Proposals for Task Orders #2 and #3 consist of a general cost breakdown and that a full detailed cost proposal is not required. The cost elements included are noted in L.11 (b) Part 2v. However, Section G.2 shows a much more detailed listing (complete breakdowns) of Task Order proposals. This is conflicting; Section L.11 does not require detailed breakdowns, whereas Section G.2 does required detailed breakdowns.

QUESTIONS:

A) Is the Section G.2 information to be utilized after award of the contract rather than for submission of Task Orders #2 and #3?

Response:

Section G.2 information is also to be utilized for Task Order#1. As Task Orders #2 and #3 are illustrative only, section L.11 (b) Part 2 applies.

B) Should Section L.11 instructions be followed rather than Section G instructions for the submission of Task Orders #2 and #3?

Response:

Yes, Section L.11 instructions should be followed for the submission of Task Orders#2 and #3.

74. I plan to submit one original and five copies of the following in separate 3-ring binders:

IQC Technical Proposal

Technical Proposal for Task Order #1

Technical Proposal for Task Order #2

Technical Proposal for Task Order #3

And the original and two copies of the following in separate 3-ring binders:

IQC Business Proposal

Cost Proposal for Task Order #1

Cost Proposal for Task Order #2

Cost Proposal for Task Order #3

Are these the correct titles?

Do you want each of the Proposals in a separate binder?

Response:

There is no need to submit IQC Business Proposal. One original and five copies of Cost/Business Management proposals for task orders #1, #2 and #3 respectively are required. We only require separate binders for technical and cost proposals.

75. I am a bit confused about the Program Manager and the IQC Project Manager/Coordinator as referenced in Section L.9 c.2.i "Offerors shall propose personnel and submit resumes for proposed Program Manager and Home Office Staff" and Section L.9 c.2.ii "Key Personnel: Offerors shall propose key personnel as specified in section F: Positions 1. IQC Project Manager/Coordinator."

Are these two (Program Manager and IQC Project Manager/Coordinator) separate positions?

Response.

No. It is the same position.

76. Our Program Manager is located in Washington, DC and our Chief of Party will be located in Kabul.

Is there a preferred location for the Program Manager?

Is there a preferred location for the IQC Project Manager/Coordinator?

Response:

Illustrative Functional positions are shown in Attachment J-3 without preference. Offeror should construct the structure including locations to optimize the approach he is presenting.

77. Amendment #1 contained references to four (4) documents as being an integral part of the Amendment #1, Statement of Work as attachments to the SOW. However, we have search electronically within all posting on FED BIZ Opps for this solicitation and they can not be located.

Page 4 entries (both documents are missing from solicitation files):

Reference Documents attached to this SOW:

- 1. Kandahar 110kV Transmission System: Drawings of Transmission System Proposed Substations prepared for AEAI, July 2005
- 2. Year 2005 Load Distribution, On Unit Operating at Kajakai

Page 7 entries (both documents are missing from solicitation files):

- 1. Islamic Republic of Afghanistan Ministry of Public Works: Interim Road and Highway Standards, 21 March 2005
- 2. Appendix A Interim Road & Highway Standard in Afghanistan"

Response:

All four reference documents have been uploaded on the website under Amendment #4 to the solicitation on December 30, 2005.